

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8010 of 2023**

Arising Out of PS. Case No.-909 Year-2019 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

=====

RAJNISH KUMAR Son of Dinesh Paswan R/V- Ward no. 1, Ratgawan
Karari P.S- Teghra Dist- Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rohini Kumari @ Puja Wife of Rajnish Kumar R/V- Ward no. 1, Ratgawn
Karari, Distt- Begusarai at present D/o Ganesh Paswan, R/V- Sagi, P.S-
Khodawanandpur, Distt- Begusarai

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Randhir Kumar No.1
For the Opposite Party/s : Mr. Akshay Lal Pandit

=====

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

- 4 02-09-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.
2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 498A and
406 of the Indian Penal Code read with Sections 3 and 4 of the
Dowry Prohibition Act.
3. No one appears on behalf of the O.P. No. 2.
4. Learned counsel for the petitioner submits that
earlier when the case was taken up on 28.08.2024, on that date
also no one had appeared on behalf of the O.P. No. 2 and
thereafter the case was directed to be listed on 31.08.2024.
5. Today, when the case is taken up, again no one
appears on behalf of the O.P. No. 2.



6. Learned counsel for the petitioner submits that petitioner, being husband, has been falsely implicated in the present case by the complainant. It is next submitted that petitioner is still willing to keep the O.P. No. 2 with honour and dignity, but then submits that for reasons best known, the O.P. No. 2 is not willing to stay with the petitioner.

7. It is asserted and submitted that petitioner has not performed his second marriage.

8. The learned counsel for the petitioner next submits that with passage of time and on intervention of well wishers, the parties may resolve the dispute, but then no useful purpose would be served by sending the petitioner to jail as petitioner is willing to pay a monthly maintenance of Rs. 2500/- to the O.P. No. 2. It is also submitted that petitioner works as a labourer outside the State of Bihar.

9. Learned A.P.P. for the State fairly submits that no useful purpose would be served by sending the petitioner to jail since petitioner is willing to pay a monthly maintenance of Rs. 2500/- to the O.P. No. 2.

10. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court



within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Complaint Case No. 909c of 2019 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

11. However, it is made clear that the O.P. No. 2 shall be at liberty to file an application before this Court seeking cancellation of the anticipatory bail granted to the petitioner in the event if the petitioner does not deposit the amount of monthly maintenance, as agreed, for two consecutive months.

12. It is further submitted that the present maintenance will stop, in the event if a Court of competent jurisdiction fixes the maintenance.

13. The learned Trial Court is directed to hand over a copy of the instant order to the learned counsel appearing on behalf of the O.P. No. 2.

(Satyavrat Verma, J)

Rishabh/-

U		T	
---	--	---	--

